



diversity existed between Providence Piers and the remaining Defendant, SMM New England, Inc. (Id.) The City now moves for dismissal with respect to itself only.<sup>1</sup> (ECF No. 28.) This motion is unopposed and it is hereby GRANTED.

Rule 21 of the Federal Rules of Civil Procedure (Misjoinder and Nonjoinder of Parties) provides that "[o]n motion or on its own, the court may at any time, on just terms, add or drop a party." This Court already found that the City was fraudulently joined, so the City must now be dismissed. See Pascale Serv. Corp. v. Int'l Truck & Engine Corp., C.A. No. 07-0247-S, 2007 WL 2905622, at \*2 n.4 (D.R.I. Oct. 1, 2007) ("As a practical matter, . . . upon a finding of fraudulent joinder and denial of the plaintiff's motion to remand, a court might also grant the fraudulently joined party's motion to dismiss."); see also Antonucci v. Cherry Hill Manor, No. Civ. A. 06-108ML, 2006 WL 2456488 at \*2 (D.R.I. Aug. 22, 2006) (dismissing, pursuant Rule 21 of the Federal Rules of Civil Procedure, a party that was fraudulently joined).

IT IS SO ORDERED.

WESMM

William E. Smith  
United States District Judge  
Date: 3/7/13

<sup>1</sup> Because the other municipal Defendants were never served, this Motion pertains to the City only.